

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 2, 13, 26, and 29 have been cancelled without prejudice or disclaimer, and claims 1, 3, 8, 12, 14, 15, 24, 25, 30, 31, and 50 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-12, 24-25, 27, 28, 30-47, and 50 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §§102 and 103:

In the Office Action, at page 2, the Examiner rejected claims 1, 2, 10 and 24 under 35 U.S.C. §102(b) as being anticipated by Constantini et al. (U.S. Patent No. 3,178,902 – hereinafter Constantini '902). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 2, the Examiner rejected claims 1, 2, 10, and 24 under 35 U.S.C. §102(b) as being anticipated by Bauman et al. (U.S. Patent No. 6,070,424 – hereinafter Bauman). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 2, the Examiner rejected claims 1, 2, 3, 10, and 24 under 35 U.S.C. §102(b) as being anticipated by Maynard et al. (U.S. Patent No. 3,712,078 – hereinafter Maynard). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 3, the Examiner rejected claims 1, 2, 10, 11, and 24 under 35 U.S.C. §102(b) as being anticipated by Gidseg et al. (U.S. Patent No. 4,776,182 – hereinafter Gidseg). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 3, the Examiner rejected claims 4-7 under 35 U.S.C. §103(a) as being unpatentable over any one of Maynard, Gidseg, Bauman, or Constantini '902 in view of (Watanabe, EP 1,174,66 - hereinafter Watanabe). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 4, the Examiner rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over any one of Maynard, Gidseg, Bauman, or Constantini '902 in view of Silva (U.S. Patent No. 5,284,023 - hereinafter Silva). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 5, the Examiner rejected claims 11-19, 22, 23, 25-30, 32-41, 46, 47, and 50 under 35 U.S.C. §103(a) as being unpatentable over any one of Maynard, Gidseg, Bauman or Constantini 902 in view of Constantini (3,122,899 - hereinafter Constantini '899). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 5, the Examiner rejected claims 20, 21, and 42-45 under 35 U.S.C. §103(a) as being unpatentable over any one of Maynard et al, Gidseg, Bauman et al or Constantini '899 and further in view of Montes (U.S. Patent No. 6,122,879 - hereinafter Montes). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

In the Office Action, at page 6, the Examiner rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over any one of Maynard, Gidseg, Bauman, or Constantini '902 in view of Constantini '899, and further in view of Silva. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicant traverses this rejection and respectfully requests reconsideration.

Claims 2, 13, 26, and 29 have been cancelled without prejudice or disclaimer.

Amended, independent claim 1 recites: "...a top projection part formed by projecting a rear portion of a top of the food storage compartment upward, the top projection part defining an air cooling chamber therein such that the air cooling chamber extends upward as an upper portion of the food storage compartment; an evaporator, located in the air cooling chamber of the food storage compartment, to produce cool air; a cool air circulation fan, located in the air cooling chamber of the food storage compartment, to circulate the cool air...."

Amended, independent claim 12 recites: "...a top projection part formed by projecting rear portions of a top of the freezer and refrigerator compartments upward, the top projection part defining a first air cooling chamber in the freezer compartment and a second air cooling chamber in the refrigerator compartment therein, such that the first and second air cooling chambers extend upward as upper portions of the freezer and refrigerator compartments, respectively; and a machine room defined on a top of the cabinet at a position in front of the top

projection part, and having a compressor and a condenser therein, wherein each of the first and second air cooling chambers comprises an evaporator and a cool air circulation fan."

Amended, independent claim 24 recites: "...an air cooling chamber located at an upper rear portion of the food storage compartment, upwardly projected as a rear portion of the storage compartment; an evaporator disposed in the air cooling chamber of the food storage compartment; a cool air circulation fan disposed in the air cooling chamber of the food storage compartment..."

Amended, independent claim 25 recites: "...first and second air cooling chambers located at respective upper portions of the first and second food storage compartments, upwardly projected as respective rear portions of the first and second storage compartments; and a machine room, located on a top of the cabinet, and having a compressor and a condenser therein, wherein each of the first and second air cooling chambers of the first and second food storage compartments comprises an evaporator and a cool air circulation fan."

And amended, independent claim 50 recites: "...a cabinet defining a plurality of food storage compartments therein; a plurality of air cooling chambers located within respective upwardly projected portions of upper rear portions of the food storage compartments, each having an evaporator..."

In response to the previously-submitted arguments, the Examiner states "[t]he projections may not be integrally molded with the rest of the cabinet, but this has never been claimed, and would merely change the 102 rejections using the base references to 103 rejections as the making integral what is shown as discrete, connected pieces is generally considered obvious to a ordinary practitioner in the art."

Regarding Constantini '902, Maynard, Bauman, and Gidseg, Applicant respectfully disagrees with the Examiner's contention with respect to merely converting the 102 rejections to 103 rejections. In all four of these references, the respective refrigeration units are purposefully installed separate from the respective food storage compartments.

Specifically, Constantini 902 discloses a refrigerator that has a roll around refrigerator cabinet 22, that is purposefully separable from the refrigerating housing. (See Constantini 902, at FIGS. 1, and 9, and col. 257 to col. 3, line 59).

Bauman discloses a refrigerator with a refrigeration unit 10 mounted on top of a cabinet 12. The refrigeration unit 10 comprises a housing 20 (including a base 22 and a cover 70) and a cooling system 100. The function of the housing 20 is to provide a unitary structure to support all

of the components of the cooling system 100. (See Bauman, at FIGS. 1 and 2, and col. 3, lines 33-47).

Maynard discloses a refrigerating unit 10 that is wholly removable and used interchangeably with chest type refrigerator cabinet 12 or a front opening type refrigerator cabinet 14. Heat exchanger 20 is disposed wholly within refrigerating unit 10. (See Maynard, at FIGS. 1, 5, and 6, and col. 2, line 31-35, and col. 3, line 53 to col. 4, line 25).

And Gidseg discloses a refrigerator 1 with a refrigeration module 10 installed on top of and in connection with insulated refrigeration cabinet 12. The refrigerating module 10 is adjacent to insulated refrigeration cabinet 12, and is separated from insulated refrigeration cabinet 12 by a wall having first and second openings therein, which define passageways interconnecting the two compartments. (See Gidseg, at FIGS. 1-3, and col. 1, lines 47-65, and col. 5, line 41 to col. 6, line 47). Gidseg also discloses that part of the utility of the design of the refrigeration power module 10 is that it may be installed in various locations on the refrigeration cabinet 12 (below, or on the side) and may be completely removed for repair or replacement. (See Gidseg, at col. 10, lines 14-27).

Thus, Applicant respectfully submits that to suggest modifying Constantini '902, Maynard, Bauman, or Gidseg so that an evaporator and a fan (or just an evaporator) are disposed within a food storage compartment would render the devices inoperable for their designed purposes.

Accordingly, Applicants respectfully submit that independent claims 1, 12, 24, 25, and 50 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 3-11, 14-23, 27, 28, and 30-47, which variously depend from independent claims 1, 12, or 25, should be allowable for at least the same reasons as claims 1, 12, and 25, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicant respectfully submits that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

Serial No. 10/644,937


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 18 May 2006

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